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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ANATOLY RUSS,

Defendant.

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: Civ No. 08CV0415 (LBS)  
: ECF Case  
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**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, with exhibits, and upon the entire record and all prior proceedings herein, plaintiff Securities and Exchange Commission (“Commission”), will move this Court before the Honorable Leonard B. Sand at the United States Courthouse, 40 Centre Street, New York, New York, at such time that the Court deems appropriate, pursuant to Rule 55 of the Federal Rules of Civil Procedure, for:

(1) a Final Judgment and Order (i) entering judgment by default against defendant, (ii) permanently enjoining defendant from violating Section 17(a) of the Securities Act of 1933, 15 U.S.C. § 77q(a), Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5; (iii) ordering defendant to disgorge \$88,465 and pay \$12,407.52 in prejudgment interest; (iv) ordering defendant to pay a civil penalty in the

amount of \$130,000; and (2) an Order freezing defendant's assets currently held by U.S. based broker-dealers and ordering that those assets be paid over to the Court.

Respectfully submitted,

s/ Scott A. Thomspen  
Scott A. Thompson  
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Attorneys for Plaintiff

**SECURITIES AND EXCHANGE  
COMMISSION**

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Dated: July 17, 2008